

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mariagrazia PIZZA et al.

Application No.: 10/526,125

Confirmation No.: 2934

Filed: September 1, 2003

Art Unit: 1652

For: **MUTANT FORMS OF MENINGOCOCCAL
ADP - RIBOSYLATING TOXIN**

Examiner: G. Raghu

**PETITION TO CORRECT INVENTORSHIP
PURSUANT TO 35 U.S.C. 116 AND 37 C.F.R. §1.48(a)**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The presently named assignee, Novartis Vaccines and Diagnostics, S.r.l., hereby petitions the Commissioner to add the name of inventor "Rino RAPPUOLI" as a joint inventor in the above-referenced application. Enclosed is the fee set forth in 37 C.F.R. § 1.20(b) of \$130.00.

Applicants request that the inventorship in the above-identified application be amended to add inventor Rino RAPPUOLI who was inadvertently omitted from the list of inventors without deceptive intent. Inventors Mariagrazia PIZZA, Vega MASIGNANI, and Rino RAPPUOLI will be the true and correct inventorship entity in the above-identified application in light of the currently pending claims once Rino RAPPUOLI is added as a joint inventor. This request for amendment has been promptly filed as soon as the inadvertent inventorship error, made without deceptive intent, was discovered.

It is believed that applicant has complied with requirements under 37 CFR § 1.48(a) and correction of the inventorship in the present application is respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 223002103000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 12, 2008

Respectfully submitted,

By /Otis Littlefield/

Otis Littlefield

Registration No.: 48,751

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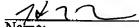
Group Art Unit: 1652

CONSENT BY ASSIGNEE FOR CHANGE OF INVENTORSHIP

Novartis Vaccines and Diagnostics, S.r.l., as successor and interest by change of name from Chiron S.r.l. a Limited Liability company duly organized under and pursuant to the laws of Italy and having its principal place of business at Via Fiorentina 1, 53100, Siena, Italy, is the assignee of the entire right, title and interest in the patent application identified above, as indicated on the Assignment dated May 12, 2005, and as recorded on Reel/Frame: 016259/0886, a copy of which is attached hereto.

Novartis Vaccines and Diagnostics, S.r.l. hereby consents to the change of inventorship of the subject patent application from "Mariagrazia PIZZA and Vega MASIGNANI" - - to Mariagrazia PIZZA, Vega MASIGNANI, and Rino RAPPUOLI. - -

22 February 2008
Date


Name: Helen Lee
Title: Assistant Secretary
Address: 4560 Horton Street
Intellectual Property R338
Emeryville, California 94608-2916

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VERIFIED STATEMENT OF THE FACTS AS REQUIRED BY 37 C.F.R. §1.48

We, the undersigned, were the originally named, first and joint inventors of the subject matter which was claimed and for which a patent was sought on the invention entitled: **MUTANT FORMS OF MENINGOCOCCAL ADP-RIBOSYLATING TOXIN**, which patent application was filed as U.S. Serial Number 10/526,125, on September 1, 2003.

We hereby state that prior to executing the Declaration for Utility Patent Application in the above-identified application, we had reviewed and understood the contents of the above-identified specification, including the claims. In the initial filing of this patent application, Mariagrazia Pizza and Vega Massignani acted as principal inventors and interfaced with patent counsel and when the application was filed, inventor Rino Rappuoli's name was inadvertently omitted.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

A Supplemental Declaration in accordance with 37 CFR §§ 1.48(a) and 1.63 in order to add Rino Rappuoli's name to the list of co-inventors originally named in the above-referenced patent application, and this Statement of Facts as required by 37 CFR § 1.48(a) is hereby submitted.

<u>03 FEB 08</u> Date	<u></u> Name: Mariagrazia PIZZA
<u>03 FEB 08</u> Date	<u></u> Name: Vega MASIGNANI
<u>11/02/08</u> Date	<u></u> Name: Rino RAPPUOLI

**SUPPLEMENTAL DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention

MUTANT FORMS OF MENINGOCOCCAL ADP-RIBOSYLATING TOXIN

As the below named inventor(s), I/we declare that:
This declaration is directed to:

☐ The attached application, or

☒ Application No. 10/526,125, filed on September 1, 2003

☐ as amended on _____ (if applicable);

I/we believe that I/we are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identify them. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2030 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2030 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Meriagrazia PIZZA

Signature: [Signature] Citizen of: Italy

Inventor two: Vega MASIGNANI

Signature: [Signature] Citizen of: Italy

Inventor three: Rino RAPPUOLI

Signature: [Signature] Citizen of: Italy

Inventor four: _____

Signature: _____ Citizen of: _____

☐ Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.